

**MEASURE “O”
IMPARTIAL ANALYSIS**

Measure “O” on the Ballot would amend the Charter of the County of San Bernardino to prohibit the use of eminent domain by the County to acquire property from a private Owner, as defined, without such Owner’s consent, for the purpose of conveying the property so acquired to any private party. As used in the amendment, “Owner” means the owner(s) of the fee title interest in the property to be acquired.

The power and legal process of eminent domain (sometimes called “condemnation”) allows governmental entities, such as the County, to acquire property owned by other persons, including private parties, for public use upon payment of “just compensation”, which is normally the fair market value of the property. The U.S. Supreme Court decision of *Kelo v. City of New London*, 125 S. Ct. 2655 (2005) confirmed that governmental entities, such as the County, may use the power of eminent domain for the purposes of economic development whereby property is acquired from its private owner and then transferred to a different private owner that the governmental entity has determined will put the property to more economically beneficial uses. If approved, the Amendment would provide that the County Board of Supervisors cannot authorize the County to use its power of eminent domain for the purpose of acquiring property from any private Owner thereof, without the Owner’s consent, when the County’s purpose in acquiring the property is to convey the property to any other private party.

If the voters reject this measure, the County Board of Supervisors will keep its current ability to authorize the County to use its power of eminent domain for the purpose of acquiring property from any private owner thereof without the owner’s consent, even though the County’s purpose in acquiring the property is to convey the property to some other private party which the County Board of Supervisors has determined will put the property to more economically beneficial uses.

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